IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.2327 of 1993

Between:

B.Sunil Kumar, S/o Swamydas
Somajiguda, Hyderabad

..... PETITIONER

AND

1 The Chief Administrative Officer,

Directorate of Plant Protection Quarantine & Storage
N.H.IV, Faridabad, Haryana State.

2 The Deputy Director,

Central Integrated Pest Management Centre,
Somajiguda, Hyderabad

3 The Joint Collector & Addl. District

Magistrate, Nizamabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, more in the nature of Certiorari, calling for the records relating to Proceedings No.D6/3365/90-1 dt.27/1/1993 of the Joint Collector and Addl. Dist. Magistrate, Nizamabad, quash the same and issue a consequential direction restraining the Chief Administrative Officer, Directorate of Plant Protection Quarantine & Storage, Faridabad, from taking any disciplinary proceedings for cancellation/termination of the services of the petitioner.

Counsel for the Petitioner : Mr. J.JAYANAND

Counsel for Respondent Nos.1&2: Mr. M.GANGA RAO,Addl SC for CG

Counsel for Respondent No.3 : G.P. for Social Welfare

The Court made the following :

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O R D E R:

By the impugned Order dated 27-1-1993, the Joint Collector and Additional District Magistrate, Nizamabad – 3rd respondent – issued Proceedings declaring that the petitioner does not belong to Scheduled Caste and the certificate issued showing him as belonging to SC is false. On the very same day, another Proceeding was issued by the 3rd respondent to the brother of the petitioner – B.Emmanuel – stating that the brother of the petitioner herein also does not belong to SC and the certificate issued to him in that regard stood cancelled. Aggrieved by the said Order dated 27-1-1993, the said Emmanuel filed W.P.No.2509 of 1993, which was disposed of by this Court on 5-11-1999 holding as under:

> "In the circumstances, the impugned order passed cannot be sustained. It violates the principles of natural justice and, is in complete violation of the guidelines, which have now been set out in Director of Tribal Welfare case, referred to above.
>
> The impugned order is set aside. It will be open for the appropriate authority i.e., the Collector, to take appropriate action, after following due procedure, as prescribed in the aforesaid case and, also taking into consideration the procedure prescribed in the Act No.16 of 1993 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, for purposes of guidance."

Since the orders passed against the petitioner herein and his brother are identical in nature and the enquiry conducted is one and the same, there is no other option for

this Court but to follow the Judgment in W.P.No.2509 of 1993.

This Writ Petition is, therefore, disposed of in terms of the Order dated 5-11-1999 in W.P.No.2509 of 1993. No order as to costs.

07-12-2004

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chief Administrative Officer,

Directorate of Plant Protection Quarantine & Storage
N.H.IV, Faridabad, Haryana State.

2 The Deputy Director,

Central Integrated Pest Management Centre,
Somajiguda, Hyderabad

3 The Joint Collector & Addl. District

Magistrate, Nizamabad

4. 2CCs to Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT)

5. 2CD copies